

**JAMES J. ALFINI**

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**EDUCATION**

B.A., Columbia University, 1965.

J.D., Northwestern University School of Law, 1972.

**PROFESSIONAL EXPERIENCE**

Dean Emeritus and Professor of Law, South Texas College of Law Houston, 2009 – present.

Interim Executive Director, American Judicature Society, 2013.

President, Dean, and Professor of Law. South Texas College of Law. 2003 - 2009.

Professor Emeritus. Northern Illinois University College of Law. 2003 - present.

Professor. Northern Illinois University College of Law. 1997 - 2003.

Dean and Professor. Northern Illinois University College of Law. 1991 - 1997.

Professor. Florida State University College of Law. 1990 - 1991.

Associate Professor. Florida State University College of Law. 1986 - 1990.

Director of Education and Research. Florida Dispute Resolution Center. 1986 - 1991.

Assistant Executive Director for Programs. American Judicature Society. 1980 - 1985.

Director of Research. American Judicature Society. 1977 - 1980.

Assistant Director of Research. American Judicature Society. 1973 - 1977.

Adjunct Professor of Law. Chicago-Kent School of Law. 1978 - 1985.

Non-Resident Instructor. Institute for Court Management (Denver, Colorado). 1975 - 1978.

Reginald Heber Smith Community Lawyer. Monroe County Legal Assistance Corporation (Rochester, New York). 1972 - 1973.

Instructor. (First Lieutenant) Command and Staff Department of the U.S. Army Armor School (Fort Knox, Kentucky). 1967 - 1969.

## **PUBLICATIONS**

### **Books and Monographs:**

Judicial Conduct and Ethics, Michie, 1990, 1995(second edition); Lexis Law Publishing, 2000(third edition), 2007 (fourth edition); 2013 (fifth edition). With Steven Lubet, Jeffrey Shaman, and Charles Gardner Geyh. 2015 Supplement, with Charles Gardner Geyh and Dana Remus.

Mediation Theory and Practice, Lexis Law Publishing, 2001, 2006(second edition). With Sharon Press, Jean Sternlight, and Joseph Stulberg. 2013 (third edition). With Sharon Press and Joseph Stulberg.

ADR Personalities and Practice Tips, Editor (with Eric Galton). (American Bar Association, 1998).

Summary Jury Trials in Florida: An Empirical Perspective (Florida Dispute Resolution Center, 1989). With Linda Griffiths, Deborah Jordan, and Richard Getchell.

Making Jury Instructions Understandable (Michie, 1982). With Bruce Sales and Amiram Elwork.

Misdemeanor Courts: Policy Concerns and Research Perspectives. Editor. (National Institute of Justice, 1981).

Judicial Rulemaking in the State Courts: A Compendium (American Judicature Society, 1978, updated in 1983). With Chris Korbakes and Charles Grau.

The Key to Judicial Merit Selection: The Nominating Process (American Judicature Society, 1974). With Allan Ashman.

### **Articles:**

“Supreme Court Ethics: The Need for Transparency and Accountability”, 21 The Professional Lawyer 10 (2012).

“Lawyer Colonization of Family Mediation: Consequences and Implications” 95 Marquette Law Review 887 (2012). With Debra Berman.

“Future Trends in Judicial Ethics: The Influence of Cyberspace”, 51 South Texas Law Review 851 (2010).

Debate, “First Amendment Limits on the Regulation of Judicial Campaign Speech: Defining the Government’s Interest”, 157 University of Pennsylvania Law Review, PENNUMBRA 76 (2008), <http://www.pennumbra.com/debates/pdfs/JudicialCampaignSpeech.pdf>. With Paul McGreal.

“Mediation as a Calling: Addressing the Disconnect Between Mediation Ethics and the Practices of Lawyer Mediators,” 49 South Texas Law Review 829 (2008).

FOREWORD. “Centennial Reflections on Roscoe Pound’s 1906 Address to the American Bar Association: Fanning the Spark that Kindled the White Flame of Progress,” 48 South Texas Law Review 831 (2007).

“Dealing with Judicial Misconduct in the States: Judicial Independence, Accountability and Reform,” 48 South Texas Law Review 889 (2007). With Shailey Gupta-Brietzke and James F. McMartin IV.

“Making the Case for Legal Education and the Legal Profession” 37 University of Toledo Law Review 1 (2005).

SYMPOSIUM. “Justice in Mediation”, 5 Cardozo Journal of Conflict Resolution 187 (2004). With Jonathan M. Hyman, Lela P. Love, Joseph B. Stulberg, and Ellen A. Waldman.

“Mediation’s Coming of (Legal) Age,” Foreword to Symposium Issue, 22 Northern Illinois University Law Review 153 (2002).

“The Role of the Organized Bar in State Judicial Selection Reform: The Year 2000 Standards,” 107 Dickinson Law Review 683 (2002). With Jarrett Gable.

“Current ADR Developments and Issues,” Chapter 3 in Alternative Dispute Resolution in Illinois (Illinois Institute of Continuing Legal Education, 2001).

“Mediating in the Shadow of the Courts: A Survey of the Emerging Case Law,” 54 Arkansas Law Review 171 (2001). With Catherine McCabe.

“E2K Leaves Mediation in an Ethics ‘Black Hole’,” 7 Dispute Resolution Magazine 3 (2001).

“Risk of Coercion Too Great: Judges Should Not Mediate Cases Assigned to Them for Trial,” 6 Dispute Resolution Magazine 11 (1999).

“Settlement Ethics and Lawyering in ADR Proceedings: A Proposal to Revise Rule 4.1”, 19 Northern Illinois University Law Review 255 (1999).

“Evaluative Versus Facilitative Mediation: A Discussion” (Moderator and Organizer of Panel Discussion) 24 Florida State University Law Review. 919 (1997)

“Is There a Solution to the Problem of Lawyer Stress?: The Law School Perspective,” 10 Journal of Law and Health 61 (1996). With Joseph Van Vooren.

“Should Lawyer-Mediators Be Prohibited from Providing Legal Advice or Evaluations?,” Dispute Resolution Magazine, Spring 1994, at 8. (Alfini pro; Clay con)

"Dispute Resolution Alternatives: What We Know and What We Need to Know" 82 Illinois Bar Journal 130 (1994).

"What Happens When Mediation is Institutionalized?: To the Parties, Practitioners, and Host Institutions" (Moderator and Organizer for Panel Discussion at 1994 AALS Meeting) 9 Ohio State Journal on Dispute Resolution 307 (1994).

"Alternative Dispute Resolution: A General Perspective" in Alternative Dispute Resolution in Florida (The Florida Bar, 1992).

"Trashing, Bashing, and Hashing It Out: Is This the End of Good Mediation?" 19 Florida State University Law Review 47 (1991).

"On the Effectiveness of *Voir Dire* in Criminal Cases with Prejudicial Pretrial Publicity: An Empirical Study" 40 American University Law Review 665 (1991). With Norbert Kerr, Geoffrey Kramer and John Carroll.

"The 1990 Code of Judicial Conduct: An Overview" 74 Judicature (1990). With Jeffrey Shaman and Steven Luby.

"Summary Jury Trials in State and Federal Courts: A Comparative Analysis of the Perceptions of Participating Lawyers," 4 Ohio State Journal on Dispute Resolution 213 (1989).

"Ethical Constraints on Judicial Election Campaigns: A Critique of Canon 7," 77 Kentucky Law Journal 671 (1989). With Terrence Brooks.

"Court-Administered Arbitration in Florida" in Arbitration in Florida (The Florida Bar, 1989). With Linda Griffiths.

"Doing Justice in a Bureaucracy: The Need to Reconcile Contemporary Judicial Roles in Light of Ethical and Administrative Imperatives," 54 Missouri Law Review 323 (1989).

"Trial Courts and Practice," in Encyclopedia of the American Judicial System (Charles Scribner's Sons, 1987).

"Free Press and Fair Trial: The Role of Behavioral Research" 10 Law and Human Behavior 187 (1986). With Carroll, Kerr, Weaver, MacCoun, and Feldman.

"Alternative Dispute Resolution and the Courts." Introductory essay to Volume 69, Number 5 of Judicature (Special Issue Editor, 1986).

"Towards Understandable Jury Instructions" 65 Judicature 432 (1982). With Amiram Elwork and Bruce Sales.

"Case Processing in State Misdemeanor Courts: The Effect of Defense Attorney Presence," 6 Justice System Journal 100 (1981). With Patricia Passuth.

"Misdemeanor Courts." Introductory essay to Volume 6, Number 1 of the Justice System Journal (Special Issue Editor, 1981).

"Mississippi Judicial Selection: Election, Appointment and Bar Anointment" in Cramer (ed.) The Judiciary (Sage Publications, 1981).

"Judicial Evaluation Polls" in The Improvement of the Administration of Justice (American Bar Association, 1981).

"Understanding Misdemeanor Courts: A Review of the Literature and Recent Case Law" and "Citizen Participation in the Courts: A Study of Three Local Advisory Boards" in Alfini (ed.) Misdemeanor Courts: Policy Concerns and Research Perspectives (National Institute of Justice, 1981).

"Trial Judges' Participation in Plea Bargaining: An Empirical Perspective," 13 Law and Society Review 479 (1979). With John Ryan.

"The Trend Toward Judicial Merit Selection," 13 Trial 40 (1977).

"Juridic Decisions: In Ignorance of the Law or in Light of It?" 1 Law and Human Behavior 163 (1977). With Bruce Sales and Amiram Elwork.

"Improving Comprehension for Jury Instructions," in Bruce Dennis Sales, Perspectives in Law and Psychology, (Plenum, 1977). With Bruce Sales and Amiram Elwork.

"Justice System Management: A Critical Review of the Literature," 2 Justice System Journal 293 (1977).

"A New Perspective on Misdemeanor Justice," 60 Judicature 425 (1977). With Rachel Doan.

"Judicial Selection: Take Your Choice," 12 Trial 10 (1976).

"Federal Abstention: New Perspectives on its Current Vitality," 46 Mississippi Law Journal 629 (1975). With Allan Ashman and Robert Shapiro.

"Partisan Pressures on the Nonpartisan Plan," 58 Judicature 216 (1974).

### **PRESENTATIONS (2014 – 2016)**

"Perspectives on the Research.", Maryland ADR Research Symposium, University of Maryland Law School, June 3, 2016.

"Judicial Ethics and Professionalism in the 21<sup>st</sup> Century", Francis X. Riley Lecture on Professionalism, Northern Illinois University College of Law (DeKalb, IL), April, 2016.

"2007 Model Code of Judicial Conduct: Eight Years Later", National Center for State Courts Judicial Ethics College (Chicago), October 2015.

"Judicial Notice in the Internet Age: Setting Boundaries for Independent Factual Research for Judges", ABA Judicial Division, ABA Annual Meeting (Chicago), August 2015. (Moderator)

"First Amendment and Restrictions on Judicial Campaign Fundraising", ABA Section of Individual Rights and Responsibilities, ABA Midyear Meeting (Houston), February, 2015.

"Judges and Mediation", ABA Section of Dispute Resolution 17<sup>th</sup> Annual Conference (Seattle), April 16, 2015.

"Institutionalization, Innovation, and Integration in Court ADR", 2014 ABA Dispute Resolution Conference (Miami), April 2, 2014. (Moderator)

"Does Law School Support or Undermine Ethics and Professionalism in Mediation Practice?" 2014 Annual Conference on Mediation (Houston Bar Association), May 2, 2014. (with Robert Schuwerk)

## **PROFESSIONAL AFFILIATIONS**

### **Legal**

Admitted to practice law in New York (1973) (retired), Illinois (1976) (inactive), and Texas (2005). Also admitted to practice before the Supreme Court of the United States, the U.S. District Court for the Northern District of Illinois, United States Court of Appeals for Veterans Claims, and the U.S. Court of Appeals for the Seventh Circuit.

Bar Association Memberships: American (ABA), Illinois (ISBA), and Texas (TSBA).

Other Professional Memberships: American Law Institute (life member), American Judicature Society, Law and Society Association, and Association for Conflict Resolution.

ABA House of Delegates, 2002 – present.

ABA Standing Committee on Ethics and Professional Responsibility, 2012 – 2013.

ABA Joint Commission to Evaluate the Model Code of Judicial Conduct, 2003 - 2007.

ABA Standing Committee on Publishing Oversight, 2001 - 2004.

Reporter, ABA Working Group on the First Amendment and Judicial Campaigns, 2001 - 2003.

ABA Consortium on Legal Services and the Public, 1999 - 2001.

Reporter, ABA Model Standards of Judicial Selection, 1999-2000.

ISBA Special Committee on the Future of the Profession, 1999-2000.

ISBA Task Force on Minorities and the Justice System, 1994 - 1997.

Northern Illinois University College of Law American Inns of Court, 1994 - 1997.

ISBA representative on Illinois Judicial Ethics Advisory Committee, 1993 - 1997.

Board of Directors, Legal Services of North Florida, Inc., 1990 - 1991.

Reporter, Appellate Delay Reduction Committee, American Bar Association (Standards Relating to Appellate Delay Reduction adopted by the ABA February, 1988).

Board of Directors, American Judicature Society, 1986 – 1991, 2014.

Board of Governors, Chicago Council of Lawyers, 1984 - 1985.

Chairman, Coordinating Council of National Court Organizations, 1982 - 1983.

Governing Board, Cook County Legal Assistance Foundation, 1981 - 1984.

Board of Editors, Justice System Journal, 1977 - 1985; 1988 – 1991; 2006 – present.

### **Dispute Resolution**

Delegate, American Bar Association House of Delegates (Dispute Resolution Section), 2002 - present.

Council, American Bar Association Dispute Resolution Section, 1995 - present.

Board of Directors, Resolution Systems Institute, 2001 – present.

Board of Directors, Institute for the Study of Conflict Transformation, 2009 – 2014.

Lifetime Achievement Award, American College of Civil Trial Mediators, 2009.

Chair, American Bar Association Dispute Resolution Section, 1999-2000.

Chair, Association of American Law Schools, Alternative Dispute Resolution Section, 1999-2000.

Regional Vice President, Society of Professionals in Dispute Resolution, 1997-1998.

Vice Chair, American Bar Association Dispute Resolution Section, 1997-1998.

Co-Program Chair, 1997 Annual Meeting of Society of Professionals in Dispute Resolution.

National Board of Advisors, Ohio State Journal on Dispute Resolution, 1995 - 1999.

Chair, Commission to Evaluate the DuPage County Conciliation Program, 1995 - 1996.

Budget Officer, American Bar Association Dispute Resolution Section, 1995 - 1997.



Partnership Advisory Board of the Illinois Institute for Dispute Resolution, 1992 - 1994.

Joint (ABA/AAA/SPIDR) Committee on Mediator Standards of Conduct, 1992-1994.

American Bar Association Standing Committee on Dispute Resolution, 1990 - 1994.

Certified County Court Mediator, Supreme Court of Florida, 1990 - 1994.

Certified Family Mediator, Supreme Court of Florida, 1990 - 1994.

Reporter, Arbitration Advisory Committee, Caribbean Law Institute, 1989 - 1991.

Chairman, Standards Subcommittee of the Standing Committee on Arbitration and Mediation of the Supreme Court of Florida, 1989 - 1991.

Florida Department of Environmental Regulation Enforcement Program, 1989 - 1991.

Mediator Roster, Florida Growth Management Conflict Resolution Consortium, 1989 - 1991.

Advisory Council of Florida Growth Management Conflict Resolution Consortium, 1988 - 1991.

Arbitration and Mediation Training Committee of the Supreme Court of Florida, 1988 - 1989.

Arbitration and Mediation Rules Committee of the Supreme Court of Florida, 1987 - 1991.

## **TEACHING EXPERIENCE**

### **Tenure Track:**

Houston College of Law (2003 - Present):

Constitutional Law, First Amendment, Mediation Theory and Practice,  
Professional Responsibility.

Northern Illinois University College of Law (1992-2003):

Commercial Arbitration Seminar, Constitutional Law I, Constitutional Law II,  
Mediation Theory and Practice (Course and Seminar), Professional  
Responsibility, Public Lands and Natural Resources Law.

Florida State University College of Law (1986-1991):

Alternative Dispute Resolution (Course and Seminar), Civil Procedure,  
Environmental Law, Mediation Theory and Practice.

**Part-time and Visiting:**

Hamline University School of Law (Summers, 1998, 2001, 2010):

Dispute Resolution Practices; Mediation Theory and Practice.

Santa Clara University School of Law (Fall, 1997; Fall, 2000):

Mediation Theory and Practice.

Chicago-Kent School of Law (1978-1985):

Court Reform Seminar, Professional Responsibility.

**PERSONAL**

Born October 12, 1943; Yonkers, New York.

Married, 2 children.